

Minutes of the Regular Meeting of the Gallup City Council, City of Gallup, New Mexico, held in the Council Chambers at Gallup City Hall, 110 West Aztec Avenue, at 6:00 p.m. on Tuesday, October 25, 2016.

The meeting was called to order by Mayor Jackie McKinney.

Upon roll call, the following were present:

Mayor: Jackie McKinney

Councilors: Linda Garcia
Allan Landavazo
Yogash Kumar
Fran Palochak

Also present: Maryann Ustick, City Manager
George Kozeliski, City Attorney

Presented to the Mayor and Councilors was the Minutes of the Regular Meeting of October 11, 2016.

Councilor Kumar made the motion to approve the aforementioned Minutes. Seconded by Councilor Palochak. Roll call: Councilors Kumar, Palochak, Landavazo, Garcia and Mayor McKinney all voted yes.

Mayor McKinney recommended moving Discussion/Action Topic #4 to the beginning of the Agenda. There were no objections from the Councilors.

Presented to the Mayor and Councilors were the following Discussion/Action Topics:

4. Request for the Use of City Property Off McKee Drive in Mossman for the Friday, December 2, 2016 Balloon Launch – Bill Lee, Red Rock Balloon Rally Association (RRBRA)

Mr. Lee said the initial proposal to use City owned land at the end of McKee Drive has been reconsidered. Since the location will need to be cleared from sagebrush, there is the possibility of further erosion and dust problems that may occur in the neighborhood. As an alternative, the RRBRA is considering the use of other City owned properties, including Mossman Park, the Sports Complex parking lot as well as various school locations as launch sites for the first day of this year's balloon rally.

Discussion followed concerning the need for centralized launch sites in town for the first day of the balloon rally and the use of alternative locations, including the University of New Mexico-Gallup Campus and Rehoboth McKinley Christian Hospital.

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Councilor Kumar made the motion to approve the request for the use of City facilities to be acknowledged at a later time through the City Manager. Seconded by Councilor Landavazo. Roll call: Councilors Kumar, Landavazo, Palochak, Garcia and Mayor McKinney all voted yes.

1. Approval of the Local Liquor Excise Tax Accountability Report for 3rd Quarter Calendar Year 2016 – Debra Martinez, McKinley County DWI Director

Ms. Martinez presented the report which summarizes the use of liquor excise tax funds by local programs and agencies during the third quarter calendar year 2016. The reports are prepared on a calendar year basis to comply with State requirements.

Discussion followed concerning the future of the Juvenile Substance Abuse Crisis Center program, the reduction in the number of protective custody admissions at the Gallup Detox Center and the feedback received by the State Behavioral Health Services Division. Ms. Martinez and Dr. Kevin Foley, Executive Director at the Na’Nizhoozhi Center, Inc. (NCI) answered questions posed by the Mayor and Councilors.

Councilor Garcia made the motion to approve the Local Liquor Excise Tax Accountability Report for the 3rd Quarter Calendar Year 2016. Seconded by Councilor Palochak. Roll call: Councilors Garcia, Palochak, Landavazo, Kumar and Mayor McKinney all voted yes.

2. Approval of Behavioral Health Investment Zone (BHIZ) Fiscal Year (FY) 2017 Strategy and Budget – Maryann Ustick, City Manager

In order to receive BHIZ funding for FY 2017, Ms. Ustick said significant changes were required for this year’s strategy and budget based on guidance received from the State. The changes resulted in less funding for detoxification services; however, it provides more funding for intensive services for the most at-risk clients.

Councilor Palochak made the motion to approve the Behavioral Health Investment Zone Fiscal Year 2017 Strategy and Budget. Seconded by Councilor Garcia. Roll call: Councilors Palochak, Garcia, Kumar, Landavazo and Mayor McKinney all voted yes.

3. Approval of Agreement with Na’Nizhoozhi Center, Inc. (NCI) for Detox and Shelter Care Center Administration, Operation and Intensive Services – Maryann Ustick, City Manager

Ms. Ustick presented the proposed agreement with NCI for detoxification services and

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intensive counseling and case management services in accordance with the BHIZ strategy. The proposed agreement will be effective July 1, 2016 in order to utilize FY 2017 BHIZ funding for detoxification services beginning July 1, 2016. The State will allow the City to back bill for the detoxification services since the BHIZ Strategy and Budget was not approved by the State until October 10, 2016. The FY 2017 BHIZ Budget allocates a total of \$242,125 for the agreement with NCI; \$138,125 of the BHIZ allocation will be used for detoxification services and \$104,000 for intensive counseling and case management services. The total amount of the twelve month agreement with NCI is \$1,075,640. Although BHIZ funds and liquor excise tax funds will be used for the agreement, Ms. Ustick said there may be an estimated shortfall of about \$50,000 that will need to be funded by general fund reserves. Overall, she recommended approval of the agreement with NCI in the amount of \$1,075,640 for the twelve month period and approval of a budget adjustment in the amount of \$242,125 to allocate FY 2017 BHIZ funds for the agreement effective July 1, 2016.

Discussion followed concerning the potential shortfall of \$50,000 for the agreement with NCI and the need to request assistance from the federal and tribal governments.

Councilor Palochak made the motion to approve the Agreement with Na’Nizhoozhi Center, Inc. (NCI) for Detox and Shelter Care Center Administration, Operation and Intensive Services. Seconded by Councilor Garcia. Roll call: Councilors Palochak, Garcia, Kumar, Landavazo and Mayor McKinney all voted yes.

Councilor Kumar made the motion to approve a budget adjustment in the amount of \$242,125 to allocate Fiscal Year 2017 Behavior Health Investment Zone funds for the Agreement with NCI. Seconded by Councilor Palochak. Roll call: Councilors Kumar, Palochak, Landavazo, Garcia and Mayor McKinney all voted yes.

5. Request for Street and Alley Closures for the Second Street Arts Festival to be Held Saturday, November 19, 2016 – Marla Chavez, gallupARTS

Ms. Chavez presented the request for the closure of Second Street between Aztec Avenue and Coal Avenue and the alleyway between First and Third Streets for the event. Ms. Chavez answered questions concerning plans for the event should there be inclement weather.

Councilor Garcia made the motion to approve the request as presented for street and alley closures for the Second Street Arts Festival to be held Saturday, November 19, 2016. Seconded by Councilor Landavazo. Roll call: Councilors Garcia, Landavazo, Palochak, Kumar and Mayor McKinney all voted yes.

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6. Approval of Design/Build/Operate (DBO) Contract with CH2M Hill for the Operation of the Wastewater Treatment Plant – Dennis Romero, Water and Sanitation Director

Mr. Romero said the proposed DBO Contract with CH2M Hill is currently under review by attorneys for both CH2M Hill and the City. As an alternative, he recommended approval of a 30-day extension of the temporary Professional Services Agreement with CH2M Hill through November 30, 2016 for the operation of the wastewater treatment plant. Once the DBO contract has been finalized, it will be presented to the Mayor and Councilors for approval.

Councilor Landavazo made the motion to approve the Amendment of the current 30-day Professional Services Agreement between the City of Gallup and CH2M Hill to allow for operation of the wastewater treatment plant by CH2M Hill through November 30, 2016. Seconded by Councilor Palochak. Roll call: Councilors Landavazo, Palochak, Garcia, Kumar and Mayor McKinney all voted yes.

7. Ordinance No. C2016-11; An Ordinance Amending Title 8, Chapter 6 (Service Rates and Charges) to the City of Gallup Municipal Code, By Amending and Adding Language to Create Solid Waste Fees for Access to Refuse Containers in Enclosures, Container Locks and Charges for Temporary Service – Dennis Romero, Water and Sanitation Director

Adrian Marrufo, Solid Waste Superintendent, provided an overview of the proposed fees to be included in the City Code for gate access, hauling construction debris to the regional landfill in Thoreau and roll-off container rentals.

Discussion followed concerning the consistency of the fees and procedures used by the Northwest New Mexico Regional Solid Waste Authority and other cities in the state and the use of the automatic container locking mechanisms.

Councilor Garcia made the motion to approve Ordinance No. C2016-11. Seconded by Councilor Kumar. Roll call: Councilors Garcia, Kumar, Landavazo, Palochak and Mayor McKinney all voted yes.

8. Approval of Budget Adjustment for Design and Construction of 12-Inch Waterline Within Gurley Avenue to Provide Enhanced Water Service to UNM-Gallup – Dennis Romero, Water and Sanitation Director

Mr. Romero said the City will solicit bids and manage the project for UNM-Gallup in accordance with the Intergovernmental Services Agreement approved by both parties

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earlier this year. UNM will reimburse the City for the costs of design and construction of the project up to \$542,502.65 using General Obligation Bond funding. If the City can complete the waterline before the General Obligation Bond funding expires on June 30, 2017, UNM has agreed to further reimburse the City up to \$572,796.95 to coat a 1.5 million gallon reservoir, which is being built as part of Reach 27.13 of the Navajo Gallup Water Supply Project (NGWSP). Mr. Romero recommended the approval of a budget adjustment/transfer from fund balance of approximately \$542,502.65 from the Water Enterprise Fund to complete the design and construction of the 12-inch Gurley Avenue waterline.

Councilor Landavazo made the motion to approve the budget adjustment for the design and construction of a 12-inch waterline within Gurley Avenue to provide enhanced water service to UNM-Gallup. Seconded by Councilor Palochak. Roll call: Councilors Landavazo, Palochak, Garcia, Kumar and Mayor McKinney all voted yes.

9. Resolution No. R2016-42; First Quarter Fiscal Year 2017 Budget Adjustments and Report of Actuals – Patty Holland, Chief Financial Officer

Ms. Holland presented the proposed Resolution which encompasses all budget changes processed July 1, 2016 through September 30, 2016. She provided an overview of the budget adjustments as well as the Report of Actuals for the quarter.

Councilor Palochak made the motion to approve Resolution No. R2016-42. Seconded by Councilor Garcia. Roll call: Councilors Palochak, Garcia, Kumar, Landavazo and Mayor McKinney all voted yes.

10. Approval of Budget Adjustment for Municipal Court – Patty Holland, Chief Financial Officer

Ms. Holland presented the proposed budget adjustment for Municipal Court in the amount of \$25,000 for a State grant to be used for computers and related expenses.

Councilor Garcia made the motion to approve the budget adjustment for Municipal Court as presented. Seconded by Councilor Palochak. Roll call: Councilors Garcia, Palochak, Landavazo, Kumar and Mayor McKinney all voted yes.

11. Approval of Agreement and Acceptance of Easement from DePauli Rentals, LLC for Reach 27.13 of the Navajo Gallup Water Supply Project – George Kozeliski, City Attorney

Mr. Kozeliski presented the agreement to obtain an easement at no charge from

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DePauli Rentals over property it owns for a waterline to the new tank to be constructed on Diocese of Gallup land. In exchange for the 290-foot easement, the City will provide one water tap to DePauli Rentals.

Councilor Landavazo made the motion to approve the agreement and acceptance of an easement from DePauli Rentals, LLC for Reach 27.13 of the Navajo Gallup Water Supply Project. Seconded by Councilor Kumar. Roll call: Councilors Landavazo, Kumar, Garcia, Palochak and Mayor McKinney all voted yes.

12. Approval of Agreement and Acceptance of Three (3) Easements from Gallup Land Partners, LLC for Reach 27.13 of the Navajo Gallup Water Supply Project – George Kozeliski, City Attorney

Mr. Kozeliski said Gallup Land Partners is granting three separate easements to the City at no charge over different tracts of land they own. The proposed agreement is slightly different than the other standard agreements for the NGWSP due to the substantial amount of land being donated by Gallup Land Partners through the easements. The City will provide Gallup Land Partners with water taps at intervals of no more than one per 2,000 feet and the placement of the taps will be coordinated with Gallup Land Partners' representatives on the ground during construction. The easements to be provided by Gallup Land Partners will complete the acquisition of right-of-way to the new water tank to be constructed on Diocese of Gallup land.

Councilor Palochak made the motion to approve the agreement and acceptance of three (3) easements from Gallup Land Partners, LLC for Reach 27.13 of the Navajo Gallup Water Supply Project. Seconded by Councilor Garcia. Roll call: Councilors Palochak, Garcia, Kumar, Landavazo and Mayor McKinney all voted yes.

13. Approval of Settlement Agreement on G-22 Water Rights Litigation with the Protestants Tri-State Generation and Transmission Association, Inc. and Western Refining Southwest, Inc. – George Kozeliski, City Attorney

Mr. Kozeliski presented the proposed settlement agreement with Tri-State Generation and Transmission Association, Inc. and Western Refining Southwest, Inc. Both parties are the main protestants to the City's G-22 Permit Application with the State Engineer for access to the San Andreas/Glorieta aquifer. Mr. Kozeliski provided a synopsis of the terms of the settlement agreement which is subject to approval by the State Engineer.

Marc DePauli, DePauli Engineering and Surveying, answered questions regarding the costs for baseline monitoring of the wells required under the proposed settlement agreement.

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Councilor Palochak made the motion to approve the Settlement Agreement on G-22 Water Rights Litigation with the Protestants Tri-State Generation and Transmission Association, Inc. and Western Refining Southwest, Inc. Seconded by Councilor Landavazo. Roll call: Councilors Palochak, Landavazo, Kumar, Garcia and Mayor McKinney all voted yes.

14. Approval to Change the Date of the November 8, 2016 Regular City Council Meeting to November 9, 2016 at 6:00 P.M. – Maryann Ustick, City Manager

Due to the upcoming General Election, Ms. Ustick said there has been a recommendation to change the date of the next Regular Meeting to November 9, 2016 at 6:00 P.M.

Councilor Garcia made the motion to change the date of the November 8, 2016 Regular City Council Meeting to November 9, 2016 at 6:00 P.M. Seconded by Councilor Kumar. Roll call: Councilors Garcia, Kumar, Landavazo, Palochak and Mayor McKinney all voted yes.

Presented to the Mayor and Councilors was the following Presentation and Information Item:

1. First Quarter Film Liaison Activity Report – Lisa Rodriguez, Film Liaison

Ms. Rodriguez provided an overview of her activities during this past quarter, including the completed productions to be aired this fall, the Interdisciplinary Film and Digital Media (IFDM) Program at UNM-Gallup and the recommendations provided by the Deputy Director of the State Film Office during his recent visit.

Councilor Kumar made the motion to adjourn into closed session for the purpose of discussing pending or threatened litigation pertaining to the City of Gallup's G-22 Water Rights Acquisition. Seconded by Councilor Landavazo. Roll call: Councilors Kumar, Landavazo, Palochak, Garcia and Mayor McKinney all voted yes.

The Mayor and Councilors adjourned into closed session pursuant to §10-15-1-H(7) NMSA 1978 Comp. (as revised).

Following the closed session, Councilor Palochak made the motion to reconvene the Regular Meeting. Seconded by Councilor Kumar. Roll call: Councilors Palochak, Kumar, Garcia, Landavazo and Mayor McKinney all voted yes.

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Mr. Kozeliski certified for the record that the matters discussed during the closed session was limited to pending or threatened litigation pertaining to the City of Gallup's G-22 Water Rights Acquisition.

Comments by Public on Non-Agenda Items

Melissa and Anthony Ramirez addressed the Mayor and Councilors to express their concerns with the damage that was done to their property as a result of a major waterline brake at Fifth Street and Hill Avenue. The waterline break occurred on September 14, 2016 and a second break occurred earlier in the day. Following a lengthy discussion on the matter, Mr. Kozeliski and Jon DeYoung, Assistant City Manager, were instructed to work with the insurance adjuster during the scheduled site visit and to put a demand on the City's insurance provider to resolve the problem as soon as possible.

Steve Garcia addressed the Mayor and Councilors to express his concerns with the hole that exist in his mother's driveway as a result of the aforementioned waterline breaks. Following discussion, Mr. DeYoung was instructed to meet with Mr. Garcia on the following day to see what could be done to resolve the problem.

Comments by Mayor and City Councilors

Councilor Palochak said she cares about the families that were affected by the waterline breaks at Fifth Street and Hill Avenue. She expended her own personal funds to hire workers to help place sandbags and to remove wet material from the homes where the water damage occurred. Councilor Palochak also thanked those who were involved in the breast cancer awareness walk and activities.

Councilor Landavazo shared his personal experience in dealing with his insurance company when a portion of the roof of his house collapsed into his bedroom as a result of excessive winds. He knows the hearts of City staff as they will work to achieve resolution for the families affected by the waterline breaks.

Councilor Kumar said the City has taken steps to replace the affected water main. As the Navajo Gallup Water Supply Project advances, pressure is being placed on the City's older system. As a business owner, he knows that it is a waiting game when it comes to dealing with insurance companies. He knows City staff will do their best to help the families affected by the waterline breaks. He will also help them as well.

Mayor McKinney said he knows the matter will be resolved and he looks forward to the short amount of time when the Ramirez's have their home.

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Comments by City Attorney and City Manager

At the request of Ms. Ustick, Dennis Romero, Water and Sanitation Director, provided an update on the emergency water project. A summary of the emergency water project is attached hereto, marked as "Exhibit A" and made a part of these official Minutes. At the request of Councilor Garcia, Mr. Romero provided an overview of the work to be done to address the safety issues with regard to the collapsing streets and sidewalks in the area of Fifth Street and Hill Avenue. Ms. Ustick was instructed to follow up with City staff concerning the plan to address the safety issues at the affected location. Ms. Ustick said she and City staff will follow up on all of the comments made by the Mayor and Councilors during the meeting. She advised that they will do everything in their power to mitigate the impact on the neighborhood and to prevent the problem from ever happening again.

There being no further business, Councilor Palochak made the motion to adjourn the meeting. Seconded by Councilor Garcia. Roll call: Councilors Palochak, Garcia, Kumar, Landavazo and Mayor McKinney all voted yes.



ATTEST:


Alfred Abeita II, City Clerk


Jackie McKinney, Mayor

Approved 11/9/2016

October 25th City Council Meeting

Update on Infrastructure Repairs

2nd Street Crossing

- Emergency Procurement to NM Underground
- Contract sent to NM Underground
- Anticipated Start - Week of October 31st
- Work should be completed in 1.5 to 2 weeks

Ellison Road Crossing

- Accelerated Bid awarded to NM Underground
- Contract sent to NM Underground
- Anticipated Start - Week of November 14th at latest
- Work should be completed in 2 to 4 weeks

5th Street Main

- Bid to be let out on or near November 5th
- 10 working days for bid
- Bid opening on or near November 21st
- Anticipated Start – first week in December
- Work to take ~6-12 weeks

Notes –

1. Need to finish 2nd Street and Ellison Crossings before starting 5th Street Main.
2. Grandview Tank Project Dependent upon completing Ellison Road and 2nd Street Crossings
3. Want to let out Grandview Tank Project for Bids during first week in January